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February 12, 2025

BY E-MAIL and ECF

Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007
ALCarterNYSDChambers@nysd.uscourts.gov

RE: *DM Cohen, Inc. v. Bradway, et al.*,
Case No. 1:25-mc-00062

Dear Judge Carter:

We write to notify the Court that we represent Amgen, Inc., a nominal defendant in the above-captioned matter (the “Proceeding”), in multiple related actions pending before the Honorable John P. Cronan and to respectfully request the Court hold in abeyance any decision on Plaintiff’s *ex parte* motion to seal in this Proceeding.

Today, we became aware of the filing of this Proceeding and believe that it relates to the same subject matter as multiple cases pending before Judge Cronan—including two related derivative matters originally filed as *Martin v. Bradway, et al.*, Case No. 1:23-cv-06754-JPC and *Clearwater v. Bradway, et al.*, Case No. 1:23-cv-10538-JPC. These cases were consolidated and stayed pending resolution of a related, putative securities class action which has been pending before Judge Cronan for approximately 23 months.

We have contacted Plaintiff’s counsel and asked to be provided with the material that is the subject of the *ex parte* application in this Proceeding, which we just received this afternoon. As such, we respectfully ask the Court to refrain from

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ruling on the pending motion to seal to afford us an opportunity to review the material accompanying the motion to seal—which we understand contains references to confidential information provided to Plaintiff pursuant to an agreement between the parties—to determine if any information they plan to file publicly should be filed under seal. We further request permission to update the Court by Friday, February 14, 2025 at 5:00 P.M. ET with our position with respect to the *ex parte* application.

Respectfully submitted,

/s/ Jay B. Kasner

Jay B. Kasner

cc: Honorable John P. Cronan (via Email)
United States District Judge
Southern District of New York
500 Pearl Street, Room 1320
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All counsel of record via ECF.